

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**AMEND Senate Bill No. 475\***

**House Bill No. 797**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 16-15-5001, is amended by deleting subsections (b), (c), and (d) and substituting instead the following:

(b) The class into which a county falls shall be determined by the 1990 federal census and any subsequent federal census or any special census conducted by the department of economic and community development.

(c)(1) For the purpose of determining the compensation of a general sessions judge who presides over a consolidated general sessions court consisting of two (2) or more counties, the populations of all counties served by the court shall be added together and the resultant sum shall be increased to the next higher classification for the purpose of determining the class of counties in accordance with subsection (a).

(2) Each county served by a consolidated general sessions court pays its proportional share of the compensation of the judge or judges of the consolidated court based on a ratio established by using the population of the county according to the latest available census compared to the population of the counties comprising the consolidated general sessions court using the latest available census.

(d)(1) If a county is in one (1) class as provided in this section on September 1 of the year in which a judge is elected to office, and after such date such county moves into another class on the basis of a subsequent federal census, the salary of such judge shall not be diminished during the time for which such judge was elected.

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(2) If a county is in one (1) class as provided in this section on September 1, of the year in which a judge is elected to office and after such date, such county moves into another class on the basis of a subsequent census, the salary of such judge shall be determined by the higher classification for the remainder of the term for which the judge was elected.

SECTION 2. Tennessee Code Annotated, Section 16-15-5003, is amended by adding the following new subsections:

(i)(1) Effective September 1, 1998, the annual salaries for general sessions court judges shall be increased over the annual compensation and supplements and annual adjustments as of August 31, 1998, by the lesser of:

(A) Ten thousand dollars (\$10,000); or

(B) Twenty percent (20%) of such annual compensation and supplements and annual adjustments as of August 31, 1998.

(2) Notwithstanding any other provision of law to the contrary, each full time general sessions court judge in a county shall receive the same compensation as the most highly compensated general sessions court judge in that county.

(3) On July 1, 1999, the base salaries and supplements established by this section shall be adjusted in accordance with the provisions of Tennessee Code Annotated, Section 8-23-103.

(4)(A) The compensation, supplement and annual adjustment provisions of this section are to be construed as minimum levels. The compensation schedule established by this part is a comprehensive plan, and no salary supplement in excess of the supplements provided by this

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part shall be available to a general sessions judge unless expressly provided and funded by a private act.

(B) Nothing in this part shall be construed as prohibiting a county, by private act, from compensating its general sessions judge or judges at levels in excess of what is required by this part. Any private or public act in effect on September 1, 1998, that provides greater compensation for a general sessions judge than is required by this section shall, to the extent of the judge's amount of compensation, prevail over the provisions of this part, and the base salary of such judge shall be the salary paid to the holder of that office on August 31, 1998, pursuant to such public or private act plus a percentage increase thereto equivalent to the same percentage increase herein given by subsection (a) to a judge of a Class 6 county determined as of August 31, 1998.

(C) Nothing in this part may be construed to authorize annual adjustments based on both this part and a private act.

(j) Notwithstanding any provision of law or this part to the contrary, no judge of a general sessions court shall be paid a salary which is greater than the salary paid to a judge of a circuit court.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect September 1, 1998, the public welfare requiring it.

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